



**RECEIVED**

AUG 09 2004

**MS ISSUE FEE**

TECH CENTER 2800

PATENT  
0505-0963P

**IN THE U.S. PATENT AND TRADEMARK OFFICE**

Applicant:	Takeshi KONNO	Conf.:	2007
U.S. Patent No.	6,768,219	Issued:	July 28, 2004
Appl. No.:	10/076,494	Group:	2836
Filed:	February 19, 2002	Examiner:	RIOS CUEVAS, R. J.
For:	REMOTE LOCK OPERATION APPARATUS FOR LIGHT VEHICLE		

**CITATION OF PRIOR ART UNDER 37 C.F.R. 1.501**

**MS ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 5, 2004

Sir:

Under the provisions of MPEP § 2003.01 and in accordance with 37 CFR 1.501, the enclosed PTO-1449 includes Great Britain Patent Document No. GB 2274035 which Applicant has become aware of after payment of the issue fee for the present application. Since the present application has issued as U.S. Patent No. 6,768,219 on July 28, 2004, the enclosed PTO-1449 is being submitted as a Citation of Prior Art. In addition, in accordance with the provisions of MPEP § 2001.05 and 37 CFR 1.56(b), Applicants submit that this reference is NOT material to the patentability of any of the claims of the present application.

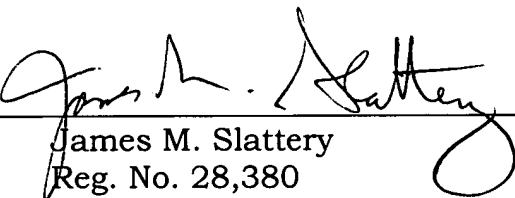
U.S. Patent Document No. 5,945,794 and Great Britain Patent Document No. GB2274035A were described in an action mailed from the Chinese Patent Office on June 25, 2004 with respect to a related foreign application. However, these references are not material to the patentability of the present application. Materiality is determined under 37 CFR 1.56(b) when the information is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability. In the present application, U.S. Patent No. 4,945,794 was already considered by the Examiner in the present application as acknowledged by the PTO-1449 initialed by the Examiner on March 6, 2004. GB Patent Document No. 2274035A was not considered by the Examiner, but does not contain subject matter material to the patentability of the claimed invention.

The lap timing apparatus of the GB 2274035 reference is not material to the patentability of the claimed invention. A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard,

giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. The lap timing apparatus of GB 2274035 includes an infrared receiver and a transmitter for a vehicle that are only provided on the side of a race track and on a vehicle for the purpose of tracking race track lap times. In the claimed invention, the unique combination of limitations, including the features of a lock actuator and a control apparatus for controlling an operation of the lock actuator based on the infrared signal received by an infrared receiver is neither taught or suggested by the GB 2274035 reference or the remaining references of the prior art of record. Accordingly, GB 2274035 is not material to the patentability of the claimed invention.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
James M. Slattery  
Reg. No. 28,380

JMS/MTS/cl

P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

AUG 05 2004

Sheet 1 of 1 (8/5/04)

Form PTO-1449

# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

 ATTY. DOCKET NO.  
0505-0963P

 APPLICATION NO.  
10/076,494

 APPLICANT  
Takeshi KONNO

 FILING DATE  
February 19, 2002

 GROUP  
2836

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US						
	US						
	US						
	US						
	US						
	US						
	US						
	US						
	US						
	US						

## FOREIGN PATENT DOCUMENTS

	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
								YES	NO
	GB	2 274 035	A	1994-07-06	GB			X	

**OTHER DOCUMENTS** (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.


EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

JMS/MTS/cl